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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,212	06/07/2001	Lowell Martinson	3755P2332	6074

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EXAMINER

SHAHER, RICKY D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875212

Applicant(s)

MARTINSON

Examiner

R.D. SHAFFER

Group Art Unit

2872

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 6/7/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, line 1, the use of the numeral "4" would appear misdescriptive of the invention.

The examiner suggests changing "4" to read -- 5 --.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis, II ('875).

Davis, II discloses a lateral-view mirror assembly comprising a vehicle (26) and at least one lateral-view mirror (18) coupled to a rear portion of said vehicle in a line of sight with a rear-view mirror of said vehicle to view objects lateral to the rear portion of said vehicle.

Note figure 4.

4. Claims 1, 11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Padiou ('109).

Padiou discloses a lateral view mirror assembly comprising a vehicle and first and second lateral-view mirrors (3) coupled to a rear window of said vehicle, wherein said mirrors are in a line of sight with a rear-view and one of said mirrors is positioned between a center portion of

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said rear window and a driver's side of said rear window and the other one of said mirrors is distant from said one of said mirrors and positioned between said center portion of said rear window and a passenger's side of said rear window. Note figures 1 and 3.

5. Claims 1, 5, 6, 8, 16, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stern ('363).

Stern discloses a lateral view mirror assembly comprising a vehicle and at least one lateral-view mirror (M) coupled to a top rear portion of said vehicle in a line of sight with a rear view mirror (R) of said vehicle to view objects lateral to the rear portion of said vehicle. Note figure 2.

6. Claims 1, 2, 12, 13 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gay ('078).

Gay discloses a lateral view mirror assembly comprising a vehicle (V) and at least one lateral-view mirror (8) coupled to a side rear portion of said vehicle in a line of sight with a side mirror (17) of said vehicle to view objects lateral to the rear portion of said vehicle. Note figure 3.

7.. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards ('418).

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Edwards discloses a forward view mirror system comprising a vehicle, a first mirror (8) coupled to a side rear portion of said vehicle and being coupled to a driver's side view mirror (4) and a second mirror (20) coupled to a rear side portion of said vehicle and being coupled to a passenger's side view mirror (22), note fig. 3, except for explicitly stating that the first and second mirrors are lateral-view mirrors.

It is well known to adjust an angle of a mirror in the same field of endeavor for the purpose of viewing a particular blind spot of interest, such as for viewing objects lateral to a rear portion of a vehicle.

Therefore, it would have been obvious and/or within the level of ordinary skill in the art at the invention was made to modify the adjustable mirrors (8, 26) of Edwards to an angle, as is well known in the mirror art, in order to view objects lateral of the vehicle.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Padiou ('109) in view of Surlan ('223).

Padiou discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the first and second lateral-view mirrors are coupled to a top surface of a rear portion of a vehicle.

Surlan teaches it is well known to mount a lateral view mirror assembly having two lateral viewing mirrors to a top surface of a rear portion of a vehicle in the same field of endeavor for the purpose of viewing objects lateral of the vehicle.

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Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to employ the mirror assembly of Padiou to a typical vehicle commonly used and employed in the market place, as taught by Surlan, in order to obtain a functionally equivalent lateral view mirror assembly or alternatively modify the lateral view mirrors of Surlan to be separable as taught by Padiou. Note In re Dulberg, 129 USPQ 348 and Nerwin V. Erlichman, 168 USPQ 177, 179.

10. Claims 5-9 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis II ('875) in view of Surlan ('223).

Davis, II discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the lateral-view mirror assembly is coupled to a top surface of a rear portion of a vehicle.

Surlan teaches it is well known to mount a lateral view mirror assembly to a top surface of a rear portion of a vehicle in the same field of endeavor for the purpose of viewing objects lateral of the vehicle.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to place the mirror assembly of Davis II to a top surface of a rear portion of a vehicle, as taught by Surlan, in order to obtain a functionally equivalent lateral view mirror assembly or alternatively modify the lateral view mirror assembly to include the adjustably capabilities of Davis, II. Note In re Dulberg, 129 USPQ 348 ; Nerwin V. Erlichman, 168 USPQ 177, 179. In re Stevens 101 USPQ 28 (CCPA 1954).

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11. Any inquiry concerning this communication should be directed to R. D. Shafer at telephone number (703) 08-4813.

Shafer/ds

11/24/01

R. D. Shafer
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